

Exhibit 8

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Rita Hanscom in Support of
Plaintiffs' Opposition to Dey, Inc. and Dey, L.P.'s Motion for Partial Summary Judgment

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL

INDUSTRY AVERAGE WHOLESALE

PRICE LITIGATION

MDL No. 1456

----- C/A No. 01-12257-PBS

THIS DOCUMENT RELATES TO: HON. PATTI B. SARIS

UNITED STATES OF AMERICA ex rel.

VEN-A-CARE OF FLORIDA KEYS, Inc.,

et al. v. DEY, INC., et al.,

CIVIL ACTION NO. 05-11084-PBS

DEPOSITION OF: W. DAVID BRADFORD, Ph.D., VOL. I

DATE: May 7, 2009

TIME: 9:07 AM

LOCATION: Offices of the United States
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of South Carolina
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TAKEN BY: Counsel for the Plaintiffs

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1 the brand.

2 A. As a general pattern.

3 Q. As a general pattern.

4 Now, is it your understanding that the
5 AWP should be at least 10 percent below the brand?
6 Meaning it could be any number below that?

7 A. My understanding is that it could be
8 more than 10 percent below the brand.

9 Q. Okay. Thank you.

10 Why is it, in your opinion, that most
11 generic entrants set it at or near 10 percent below
12 the AWP of the brand? Is there an economic reason
13 for that?

14 A. My -- my understanding of that, my
15 assessment of what's going on is that the -- in the
16 generic market, the WAC is the important pricing
17 benchmark, the important list price that is
18 utilized by the manufacturers. The AWP, while
19 useful in the branded market is much -- is
20 not -- there's not a tied relationship between AWP
21 and WAC in the generic market as there frequently
22 is in the branded market, the AWP being less

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1 important for their day-to-day transactions tends
2 to be set at launch relative to the brand because
3 there's no prior launch data for the manufacturers
4 to rely on by definition.

5 It's set relative to the brand, in some
6 sense for lack of better information. The WAC is
7 what they then base transactions on, and the AWP is
8 unimportant and from their day-to-day transactions
9 selling basis invoice. And as a consequence, it's
10 just left where it is.

11 Q. I think you at some place in your
12 report, you opine that AWP, at least in the case of
13 Dey's products, has no meaningful economic
14 relationship to WAC.

15 A. Yes. I think that's a close quote.

16 Q. And does it also, by extension,
17 indicate that your opinion is that AWP has no
18 economically meaningful relationship to actual
19 sales prices? And let me refer -- just to define
20 that to mean ASP.

21 MS. REID: Just for clarification,
22 we're doing ASPs. Are you using the Medicare

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1 definition of it?

2 MR. HENDERSON: Yes, if that would be
3 easier.

4 MS. REID: I mean, just so we know what
5 the acronym --

6 BY MR. HENDERSON:

7 Q. To me, ASP means after discounts, after
8 chargebacks and rebates, so an average net price.

9 A. So let me say it this way. As I have
10 said in my report, the WAC, the prior to discount
11 invoice price that wholesalers and manufacturers
12 transact upon, bears no economic and meaningful
13 relationship to AWP for Dey products.

14 Q. Correct.

15 A. Similarly, the discounted measure would
16 bear no economically meaningful relationship
17 between AWP -- with AWP for Dey products.

18 Q. Okay. So why would -- what economic
19 reason is there if -- if AWP has no meaningful
20 economic relationship to either a company's WAC or
21 its net discounted average sales prices or any
22 other real reflection of actual marketplace prices,